



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: NE 03-10249

Applicant: Gerkin Windows and Doors

**Waterway: Unnamed tributary and adjacent wetlands
to Crystal Cove Lake**

Issue Date: April 29, 2003

Expiration Date: May 20, 2003

21 DAY NOTICE

Reply To:

NEBRASKA REGULATORY OFFICE – OMAHA

8901 South 154th STREET, OMAHA, NEBRASKA 68138-3621

JOINT PUBLIC NOTICE: This public notice is issued jointly by the U. S. Army Corps of Engineers, Omaha District, and the Nebraska Department of Environmental Quality (NDEQ). NDEQ P. O. Box 98922, Lincoln, Nebraska 68509-8922 will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ hereby incorporates this public notice as its own public notice and procedures by reference thereto. For the purposes of NDEQ, this public notice will expire 30 days from the above issue date.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Gerkin Windows and Doors, Attn: Steve Schneider, P.O. Box 3208, Sioux City, IA 51102

PROJECT LOCATION: Southwest ¼ of Section 29, Township 29 North, Range 9 East, Dakota County, Nebraska.

PROJECT DESCRIPTION: The applicant is proposing to construct a window manufacturing plant on the 21-acre site, which is currently cropland. Initial phase of the construction will be a 360' x 400' building with additional grading for a 360' x 400' building expansion. In order to provide for an entrance road and future expansion, 1,016 feet of existing drainage ditch will be filled in with approximately 875 cubic yards of compacted clay material. After the ditch is filled in, a 310-foot portion will be enclosed in a storm sewer to facilitate construction of the future building expansion. The existing drainage ditch is 6 to 12 feet wide at the bottom, 1 to 2 feet deep, and 0.58 acres in area. The channel contains cattails and is bordered on both sides by 3-4 feet of upland vegetation. This ditch will then be relocated by using an excavator to construct a new 1,044-foot long channel that will be 5 feet wide at the bottom, 3 to 10 feet deep, 0.61 acres in area, and have 2:1 slopes. Of this 1,044 foot long channel, 951 feet will be open and bordered on both sides with a 30-foot buffer

strip of native upland vegetation and 93 feet will be enclosed in a 48-inch RCP road crossing for the new road on the east side of the site. Approximately 27 cubic yards of clean limestone or clean Sioux quartzite riprap will be placed along 25 feet of the upstream end of the new open channel for erosion control at the outlet of the existing storm sewer. There is also an existing 2.3-acre palustrine emergent temporarily flooded (PEMA) wetland and a 0.024-acre palustrine forested temporarily flooded (PFOA) wetland on the site. Within the PEMA wetland there is an area of open water 0.28 acres in size. In order to improve drainage on the site and provide for grading of the truck ramp adjacent to the building, the area of open water will be relocated east within the wetlands. The relocated pond will be created by using an excavator to remove approximately 1,360 cubic yards of soil to create 0.42 acres of open water and then placing the excavated soil into the existing 0.28-acre pond to recreate wetland conditions. In order to mitigate the loss of 0.14 acres of wetland (0.42 acres of relocated pond – 0.28 acres of existing pond), an additional 0.21 acres of PEMA wetland will be created adjacent to the existing wetland. Within the PFOA wetland approximately 8-12 willow saplings may be removed for excavation of the new channel. Because impacts to the PFOA wetland will be less than 0.10 acre, no mitigation will be required for this wetland. Both the existing drainage channel and the wetlands drain into Crystal Cove Lake through a culvert underneath Highway 77. Crystal Cove Lake is a public use lake that is located within a historic channel of the Missouri River according to the 1857 survey.

PROJECT PURPOSE: The site is being developed for a window manufacturing plant and related parking and driveways.

SPECIAL AQUATIC SITES: 0.14 acres of PEMA wetlands will be lost from excavation to open water

CULTURAL RESOURCES: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U. S. Department of Interior, Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves

as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision whether to issue the Corps' permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed/completed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against their reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State, and Local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the Nebraska Regulatory Office 8901 South 154th Street, Suite 1, Omaha, Nebraska 68138-3621 or e-mail at Kristine.T.Nemec@usace.army.mil. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commenter, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in the subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: For additional information, please call **Kristine Nemec** at **(402) 896-0896**.